

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL DEONTRAY WILLIAMS,
Plaintiff,
v.
PFEIFFER, *et al.*,
Defendants.

Case No. 1:20-cv-01094-AWI-BAM (PC)
ORDER DIRECTING PLAINTIFF TO
PROVIDE WRITTEN NOTICE
IDENTIFYING DEFENDANT JOHN DOE
FOR SERVICE OF PROCESS
NINETY (90) DAY DEADLINE

Plaintiff Michael Deontray Williams (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 2, 2020, the assigned District Judge ordered that this action shall proceed on Plaintiff’s complaint against Defendants Atkinson, Cervantes, and John Doe for excessive force in violation of the Eighth Amendment for the incident on August 31, 2018. (ECF No. 19.) By separate order, the Court has directed service on Defendants Atkinson and Cervantes.

At this time, the Court does not find service appropriate for Defendant John Doe because the U.S. Marshal cannot serve a Doe Defendant. Therefore, before the Court orders the U.S. Marshal to serve Defendant John Doe, Plaintiff will be required to identify him with enough information to locate the defendant for service of process. Once Plaintiff identifies Defendant John Doe for service, he should file a motion to substitute the identity of Defendant John Doe in the complaint. If the motion is granted, the Court will direct the U.S. Marshal to serve Defendant

1 John Doe. However, if Plaintiff fails to identify Defendant John Doe, then he will be dismissed
2 from this action.

3 Accordingly, IT IS HEREBY ORDERED as follows:

4 1. Within **ninety (90) days** from the date of service of this order, Plaintiff SHALL file a
5 motion to substitute the identity of Defendant John Doe that provides the Court with
6 enough information to locate him for service of process; and
7 2. **The failure to comply with this order will result in dismissal of Defendant John Doe**
8 **from this action, without prejudice, for failure to serve with process pursuant to**
9 **Federal Rule of Civil Procedure 4(m).**

10 IT IS SO ORDERED.
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12 Dated: December 3, 2020

13 /s/ *Barbara A. McAuliffe*
14 UNITED STATES MAGISTRATE JUDGE

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